

McConathy, Evelyn H.

From: Bart Classen [classen@vaccines.net]
Sent: Tuesday, November 10, 2009 8:52 AM
To: McConathy, Evelyn H.
Subject: Re: case on appeal

It may be to our benefit and contact the examiner to see if he would reconsider the claims under appeal. I think the examiner probably got a new boss and this is what did it for us. He had told us he had a recommended granting the patent years ago but his supervisor rejected it. I suspect he has a new supervisor.

A talk with the examiner (the same one for the patent on appeal) may help. The only difference between the patent applications is that we want to claim a product by process in the one on appeal. However the "product by process" was not actually what was objected to.

Thanks for the discount on the October bill, I was not sure what it was for but thanks.

I recently sent you checks for the previous invoices, so the October is the only one pending. If you have not received the checks, you should shortly.

At 12:00 PM 11/9/2009, you wrote:

Congratulations!!!! The Examiner has now ALLOWED all claims for US Appl. 11/355,763 (the one we worked so hard on the claims for and Responded to on October 30th). Our formal letter and copies will follow.

Evelyn

EXHIBIT N

9/14/2010